IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No.27490 of 1995

Between:

1.Dr.DRK.Sharma, and 3 others.

..... PETITIONERS

AND

1.The Correspondent,
Vimukti Childrens Home High School,
Sambamoorthynagar, E.G.District,
Kakinada, and another.

.....RESPONDENTS

ORDER:

Nobody appears for the respondents.

The petitioners were appointed as teachers in the first respondent-school on different dates. The first petitioner was appointed on 05-10-1989, second petitioner was appointed on 14-02-1985, and the third and fourth petitioners were appointed on 16-09-1993. Their case is that they were highly qualified teachers

but were appointed by the first respondent on meager salaries. One of the petitioners was appointed on consolidated pay of Rs.290/- per month, although, he is a B.A., B.Ed. Similarly other teachers were also given meager salaries. In the meantime, the first respondent got some government aid and four aided posts. Therefore, the petitioners were under the belief that since they have been working for a long time with the first respondent and were duly qualified, they would be absorbed against the aided posts and would get reasonable and decent salaries. Petitioners filed this writ petition with an apprehension that these posts are likely to be filled up by outsiders and they would be out service.

While admitting the Writ Petition, this Court granted stay.

Counters have been filed. Nobody appears for the respondents although the names of the counsel for the first respondent and Government Pleader for School Education for the second respondent appear in the cause list.

In the counter filed by the first respondent, they have almost supported the case of the petitioners and they have stated that the school was being run for the

wards of the leprosy patients and it was maintained by the grants sanctioned by A.M.G. India International, a Christian Missionary Association of Germany, even since it was started. Recently, they had realized that A.M.G. India International would not be able to finance the school further. Therefore, they applied to the Government for sanction of grant-in-aid to the posts of teachers so as to absorb the existing staff in the Government aided posts. Accordingly, Government issued G.O.Ms.No.365, Education (P.S.2) dated 10-10-1994 and sanctioned five Secondary Grade posts, and the Director of School Education, Andhra Pradesh, Hyderabad, by his letter dated 05-11-1994, communicated the said GO. The first respondent also asked the second respondent-District Educational Officer to take necessary action to absorb the teachers working in the school in the sanctioned aided posts after verifying their qualifications. It is further submitted that the matter was put forth before the Collector, as in terms of the Rules, he was the competent authority to take a decision. The Collector had not taken any decision. Therefore, it was suggested that the posts be filled up by fresh selection.

The second respondent-District Educational Officer also filed a counter-affidavit. According to this

respondent, petitioners were not appointed as per the provisions laid down in Rule 12 of G.O.Ms.No.1 Education dated 01-01-1994. The petitioners had been appointed by the first respondent-school itself without following the procedure laid down for the appointment of teachers.

It is absurd to suggest that the petitioners were not appointed in terms of G.O.Ms.No.1 Education dated
01-01-1994. This GO was issued on 01-01-1994, and the petitioners had been appointed much earlier to that. In terms of the Rules, the existing staff could be regularized against the aided posts and the matter has to be decided by the Collector. Collector simply stayed over the matter and did not pass any orders. There are competent authorities, who had to take a decision, for the purpose of regularizing the existing staff against the aided vacancies. Even though the proposals were made, they did not take any decision.

In this view of the matter, the Writ Petition is allowed and the respondents are directed to take a decision in accordance with rules in the matter of absorption of the petitioners against the posts available. These petitioners are working to the

satisfaction of the management for the last so many years on meager salaries, and they are also well qualified. Therefore, the respondents shall take into consideration all these facts into consideration and decide the matter within a period of four weeks.

After the judgment was dictated, the learned Government Pleader appeared and wanted his appearance to be recorded.

12-07-2006

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